

Appl. No. 09/471,153

In re Jones et al.

Reply to Office action of January 16, 2003

### REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated January 16, 2003. This Request for reconsideration is intended to be fully responsive thereto.

The drawings were objected for failing to show bracket 44 in Fig. 4 as described in the specification. Applicant respectfully disagrees.

The second mounting bracket 44 is clearly shown in Fig. 4 as fastened to the brake spider 5 by bolts 46. However, in order to expedite the prosecution of the present application, Fig. 4 of the drawings was replaced with a substitute drawing Fig. 4 to more clearly illustrate the structural details of the second mounting bracket 44 of the present invention. It is noted that no new matter has been added.

Claims 1 and 4-6 were rejected under 35 U.S.C. 102(b) as being anticipated by Urban et al. (US 4,476,968). The applicant respectfully disagrees.

Urban discloses a drum brake assembly including the pneumatic brake actuator mounted to the spider 14. However, Urban fails to disclose the vehicle axle beam and the spider non-removably secured to the axle beam. By contrast, Urban discloses the spider 14 secured to portions of the vehicle by a plurality of suitable fasteners such as bolts (not shown) receivable through bolt circle holes 16. It is not clear which portion of the vehicle the spider 14 is secured to. It is well known to those skilled in the art that the brake spider is not necessarily secured to the axle beam. Urban does not disclose or provides any suggestion that the "portions of the vehicle" may be the axle beam.

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Moreover, claim 1 recites the brake spider non-removably secured to the axle beam. By contrast, Urban clearly describes the spider 14 secured to portions of the vehicle by a plurality of suitable fasteners such as bolts (not shown) receivable through bolt circle holes 16. A person of ordinary skill in the art would readily understand that the spider secured to the vehicle by the fasteners, such as bolts, may not be possibly construed as non-removably secured. Thus, Urban fails to disclose the spider non-removably secured to the axle beam. In fact, Urban discloses the spider 14 removably secured to the vehicle.

Therefore, the rejection of claims 1 and 4-6 under 35 U.S.C. 102(b) as being anticipated by Urban is improper.

Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Urban et al. (US 4,476,968). The applicant respectfully disagrees.

The Examiner notes that it would have been obvious to one of ordinary skills to use either bolts or the welds to secure the spider of Urban to the axle beam.

First, as it was argued above with regard to the rejection of claims 1 and 4-6 under 35 U.S.C. 102(b), Urban fails to disclose the vehicle axle beam and the spider non-removably secured to the axle beam. Therefore, claim 8 further defines the invention over Urban and is in condition for allowance.

Furthermore, the Examiner fails to prove as to why one having ordinary skill in the art would have found the claimed invention to be obvious in light of the teachings of the prior art cited. The Examiner's statement that modifications of the prior art to meet the claimed invention would have been obvious to one having ordinary skill in the art at the time the invention, even if

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the references relied upon teach that all aspects of the claimed invention were individually known in the art, is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App.&Inter. 1993).

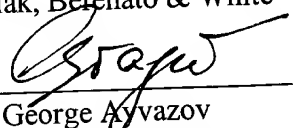
Moreover, the Examiner's allegation is unsupported by the applied prior art and inconsistent with the disclosure of Urban, as Urban fails to disclose the vehicle axle beam and the spider secured to the axle beam, and it is not clear which portion of the vehicle the spider 14 is secured to. Also, Urban does not disclose or provides any suggestion that the "portions of the vehicle" is the axle beam.

Therefore, the rejection of claim 8 under 35 U.S.C. 103(a) as being unpatentable over Urban is improper.

It is respectfully submitted that claims 1, 4-6 and 8 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:  
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